

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL A. HOBBS,  
 Petitioner,

vs.

NORTH LAS VEGAS CITY JAIL, *et al.*,  
 Respondents.

Case No. 2:13-cv-02159-GMN-NJK

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by an inmate. The matter has not been properly commenced because petitioner submitted incomplete financial paperwork. The *in forma pauperis* application was not submitted on the court-approved form as required by Local Rule LSR 1-1. In addition to filing an application to proceed *in forma pauperis* on the court-approved form, a prisoner seeking to proceed *in forma pauperis* “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(1), (2); Local Rule LSR 1-2. Petitioner has failed to submit an *in forma pauperis* application on the court-approved form and has failed to provide the necessary financial information.

Due to the defects presented, the *in forma pauperis* application will be denied. The present action will be dismissed without prejudice to the filing of a new petition in a new action with an *in forma pauperis* application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, petitioner at all times remains responsible for calculating the running of the federal limitation period as applied to his case, properly commencing a timely-filed federal habeas action, and properly exhausting his claims in the state courts.



1           **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF  
2 No. 1) is **DENIED** and that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a  
3 new petition in a new action with a properly completed *in forma pauperis* application with all new  
4 and complete financial attachments.

5           **IT IS FURTHER ORDERED** that the Clerk of Court shall send petitioner the following:  
6 (1) two copies of an application form to proceed *in forma pauperis* for incarcerated persons and  
7 instructions for the same; (2) a noncapital Section 2254 habeas petition form and instructions for the  
8 same; and (3) a copy of the papers submitted in this action at ECF No. 1.

9           **IT IS FURTHER ORDERED** that petitioner may file a new petition and *in forma pauperis*  
10 application in a new action, but he may not file further documents in this action.

11           **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

12           **IT FURTHER IS ORDERED** that a certificate of appealability is **DENIED**. Reasonable  
13 jurists would not find the dismissal of the improperly-commenced action without prejudice to be  
14 debatable or wrong.

15           **DATED** this 26th day of November, 2013.

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19 Gloria M. Navarro  
20 United States District Judge  
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